

RULE 2

FILINGS

- A. No pleading or other document regarding a proceeding of the Nebraska Workers' Compensation Court shall be deemed to be filed with the court until the same has been received and recorded by the clerk of said court at the office of the court in Lincoln, Nebraska. Upon filing of a petition or initial pleading in a case that has not yet been assigned a docket number, such petition or pleading shall include the date and location of injury or alleged injury.
- B. All pleadings or other documents filed with, or correspondence received by, the court shall be stamped or imprinted by the court with the date of receipt. Time limits prescribed by law or these rules shall be calculated from the date of filing as reflected by the receipt date recorded on or with the document or correspondence.
- C. The following privacy rules shall apply to all pleadings or other documents filed with, or correspondence received by, the court.
1. These rules seek to prevent birth dates, Social Security numbers, and financial account numbers of all persons, including minor children, from being included in court records generally available to the public.
 2. Upon filing of a petition or initial pleading in a case that has not been assigned a docket number, the Social Security account number of the claimant shall be provided to the court in a separate document as set forth in Addendum 3 to these rules. Other personal and financial account information identified in Rule 2,C,1 may, if applicable, be provided to the court prior to the issuance of any order, judgment, or award, and shall also be set forth in a separate Addendum 3 document. Such separate document shall be submitted in either electronic form or paper form and shall not be accessible or viewable by the public. The document shall contain, at the top of the first page, the following language, in bold type: **This document is confidential and shall not be made part of the court file or provided to the public pursuant to Workers' Comp. Ct. R. of Proc. 2.** The clerk of the court shall keep the document separate from the case file but accessible to judges and court staff. If the document is submitted in electronic form, or converted from paper form to electronic form, the electronic document or the data contained therein may be reproduced or stored in the Nebraska Workers' Compensation Court case management system. If the document is submitted in electronic form, the paper form shall not be submitted.
 3. The personal and financial account information identified in Rule 2,C,1 shall not be included in any pleading or document submitted by a party or counsel for filing with the court, except by reference to a separate Ad-

dendum 3 document. An Addendum 3 document shall be separately submitted with any such pleading or other document. The Addendum 3 document is mandatory with respect to the information identified in Rule 2,C,1, but a party, attorney, or the court may include in the Addendum 3 document additional personal or financial account information sought to be protected.

4. The personal and financial account information identified in Rule 2,C,1 shall not be included in any court order, judgment, or award, except by reference to a separate Addendum 3 document. Where the court finds that an order, judgment, or award must contain Social Security numbers or other personal or financial account information identified in Rule 2,C,1, the court shall have the original order sealed and provide in the case file a redacted version of the order for public view.
5. No exhibit used at trial shall contain a complete account number for any financial accounts or debts of any party. The same shall be redacted by the person offering the exhibit to the extent necessary to protect the information from misuse. By agreement of the parties, or as directed by the court, financial account information shall be identified in all pleadings, other documents and court orders, judgments, or awards in such a manner as the parties, counsel, and the court may be able to distinguish information between similar accounts or debts, or as may be necessary to establish relevance to the matter being litigated.
6. The responsibility for redacting personal and financial account information set forth in Rule 2,C,1 rests solely with counsel and the parties. The clerk of the court shall not be required to review documents for compliance with this rule. If the clerk of the court identifies a violation of this rule, the clerk may, at his or her option, provide a redacted document for public access. However, the clerk electing to provide a redacted copy for public access shall maintain the original document without any alterations thereof, which document shall only be available to the court and the parties or the parties' counsel.

D. Electronic Filing and Service System.

1. Definitions.

- a. **Electronic Filing System.** Electronic filing system (E-Filing System) approved by the Nebraska Workers' Compensation Court for filing of pleadings or other documents via the Internet.
- b. **Electronic Filing.** Electronic filing (E-Filing) is the transmission of pleadings or other documents to and from the court via the E-Filing System.

- c. **Electronic Service.** Electronic service (E-Service) is the transmission of pleadings or other documents to any party in a case via the E-Filing System. E-Service by a party or attorney is not currently available via the E-Filing System.
- d. **Durable Medium.** Durable medium shall be any information storage medium that is created by a durable process. A process shall be the combination of hardware, software, storage media, techniques, and procedures used to manage, create, store, retrieve, and delete information belonging to the party required to maintain the record. A process shall be durable if it meets the following criteria:
 - i. The process is capable of creating and storing information for the required records retention period.
 - ii. The process can be migrated to a successor process when necessary and will retain all information available in the original process after migration to the successor process.
 - iii. The process maintains the integrity of information in a readily accessible manner, makes it retrievable, makes it processable through an established usual or routine set of procedures using available hardware and software, and makes it accurately reproducible in a human-readable form.
 - iv. The process provides for disaster recovery backups, which are periodically, depending on a retention schedule, verified for restorability and readability, and can be stored in a separate geographical location from the original information.
 - v. The process is demonstrated to create and maintain information for the retention period as specified, in an accurate, reliable, trustworthy, dependable, and incorruptible manner.
 - vi. The process allows the removal of information when it reaches the end of its required retention period.
 - vii. The process is documented so as to demonstrate to a reasonable person compliance with these criteria.
- e. **Electronic Notice.** Electronic notice (E-Notice) is the electronic transmission of notices, opinions, court entries, and any other dispositional order or information from the court to all persons who have registered for E-Notice. E-Notice is not currently available via the E-Filing System. Until such time as E-Notice becomes available, the court shall distribute notices and signed orders via regular mail and file-stamped copies of pleadings via e-mail, fax, or regular mail.

2. E-Filing is authorized for any pleadings or other documents filed in the Nebraska Workers' Compensation Court except appeal documents and exhibits to be offered at a hearing or trial.
3. Only attorneys licensed to practice law in Nebraska may register to use the E-Filing System.
4. The electronic filing of a petition or initial pleading from which printed copies can be made shall comply with the requirements of Rule 3,A. The court clerk shall print sufficient copies for service with the summons. The summons and any required attachments to the summons shall be provided in printed form by the court clerk and shall be served in accordance with Neb. Rev. Stat. §§ 48-175 and 48-175.01 as applicable.
5. Pleadings filed via the E-Filing System shall be submitted in searchable non-editable PDF format. Proposed orders shall be submitted in either editable Microsoft Word format (*.doc or *.docx) or Rich-Text Format (*.RTF) format. Attachments to pleadings may be submitted in any non-editable PDF format. Pleadings or other documents filed via the E-Filing System shall not be secured with a password or encrypted in any fashion.
6. Pleadings or other documents in compliance with applicable filing requirements and electronically received by the court clerk by 11:59:59 p.m. local time shall be deemed to have been filed on that date. The clerk shall notify the filing party of any document that fails to comply with applicable filing requirements.
7. Use of the E-Filing System by an attorney shall constitute compliance with the Rule 3,G signature requirement, and the attorney using the E-Filing System shall be subject to all other requirements of Rule 3,G and Rule 3,H. Signatures of attorneys, parties, witnesses, and notaries and notary stamps may be typed using the signature format “/s/ [typed name],” and using the stamp format “seal, notary public, State of [state name],” and commission expiration date to satisfy signature and certification requirements. If the notarial commission of the particular notary public whose seal is being depicted is limited by county, the filing party shall use the stamp format “seal, notary public, State of [state name], County of [county name].” Other seals or stamps, such as those of courts, public bodies, agencies, or officials, or corporations, may be typed using the stamp format “seal, [alphanumeric content of seal].”
8. Possession of printed documents.
 - a. Except as provided in Rule 2,D,7,b, no pleading or other document may be filed via the E-Filing System unless the filing party first has possession of a printed document or documents bearing original signatures, stamps, and seals as applicable. Such printed documents:

- i. shall be made available by the filing party for inspection by other parties or the court upon request, but shall not be filed with the court; and
 - ii. shall be maintained by the filing party for a period of two years after the final resolution of the action, including the final resolution of all appeals; and
 - iii. may be maintained by the filing party in either paper form or electronic form. Pleadings or other documents maintained in electronic form shall be stored using a durable medium as defined in Rule 2,D,1,d.
 - b. Where an E-Filed pleading or other document is signed by only the filing attorney in accordance with Rule 2,D,6, the attorney shall not be required to have possession of or maintain a printed document or documents bearing an original signature.
9. An E-Filed pleading or other document shall not be transmitted to the clerk of the court by any other means unless the court requests a printed document bearing original signatures, stamps, and seals.
10. Upon satisfactory proof that E-Filing of a pleading or other document is not completed because of (1) an error in the transmission of the document to the court via the E-Filing System which was unknown to the sending party or (2) a failure to process the electronic filing when received by the court clerk or (3) technical failure in the State Data Communications Network, the court may enter an order permitting the pleading or other document to be filed as of the date it was first attempted to be sent electronically. Notwithstanding the foregoing, no order may be entered under this rule which expands the statutory time period for commencing an action or perfecting an appeal unless there is an affirmative showing that the failure to make a timely filing was due solely to an E-Filing System internal transmission error or a processing error by the court clerk.
11. Upon a showing of substantial good faith compliance with Rule 2,D, the court may waive nonjurisdictional defects in an E-Filing if it finds that no harm has occurred to any party as a result of the defective E-Filing.

Sections 48-157, 48-163, R.R.S. 2010.

Dolner vs. Peter Kiewit & Sons Co., 143 Neb. 384; 9 N.W. 2nd 483 (1943).

Effective date: January 21, 2016.